

**Notice of Allowability**

Application No.

10/828,930

Examiner

Aaron W. Carter

Applicant(s)

BRUNDAGE ET AL.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 12/1/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This action is responsive to papers filed on 12/1/06.

#### ***Response to Amendment***

2. In response to applicant's amendment received on 12/1/06, all requested changes to the claims have been entered.

#### ***Response to Arguments***

Applicant's arguments, see Reasons for Request for Pre-Appeal Review, page 3, filed 12/1/06, with respect to claims 1 and 9 have been fully considered and are persuasive. The 35 USC 102(b) rejection of claims 1 and 9 have been withdrawn.

#### ***Allowable Subject Matter***

Claims 1-16 are allowed.

11. The following is an examiner's statement of reasons for allowance:

As to claims 1 and 9, none of the prior art teach or fairly suggest the limitation of "sending the residual signal to a remote system separate from the first device for extracting the digital watermark from the residual signal", in combination with the other limitations of the claims. The prior art of Daly, already of record, discloses processing a digitally watermarked

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media signal and filtering audio or video information of the watermarked media signal to leave a residual signal, but Daly does not teach or fairly suggest sending the residual signal to a remote system separate from the first device for extracting the digital watermark from the residual signal, as disclosed in the limitations of claims 1 and 9.

As to claims 10 and 16, and previously stated in the office action mailed on 9/1/06, none of the prior art teach or fairly suggest the limitation of “wherein progressively sending includes sending an increasing amount of the watermarked media signal to the remote system as necessary to achieve a successful decoding of a digital watermark from the watermarked signal”, in combination with the other limitations of the claims. The prior art of Isnardi, already of record, discloses receiving a watermarked media signal in a first device (Fig. 6, MPEG bitstream), identifying portions of the watermarked media signal to send to a remote system for watermark decoding (Fig. 6, element 602 and column 2, lines 61-64) and progressively sending the portions of the watermarked media signal to the remote system (column 2, lines 64-65 and Fig. 6), but does not teach or fairly wherein progressively sending includes sending an increasing amount of the watermarked media signal to the remote system as necessary to achieve a successful decoding of a digital watermark from the watermarked signal as disclosed in claims 10 and 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWC  
*AWC*

  
BHAVESH M MEHTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600